

REMARKS

The Applicants are filing this Response to a Notice of Non-Compliant Amendment dated September 24, 2010, and, further, in response to an Office Action dated June 24, 2010. At the time of the Office Action, claims 62-70 were pending. In response to the Office Action, the Applicants have withdrawn claims 62 - 66. Claims 67 - 70 remain pending. Based on the following remarks, the Applicants respectfully assert that all pending claims are in condition for allowance.

In the Official Action, claims 62-66 were made subject to a restriction requirement and the Examiner withdrew them from consideration as being directed to a non-elected invention.

In the Office Action, the Examiner rejected claim 67 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,424,342 to Perlman, et al. (hereinafter "Perlman"). Further, the Examiner rejected claims 68-70 under 35 U.S.C. § 103(a) as being unpatentable over Perlman in view of U.S. Patent No. 7,053,863 to Glen, et al. (hereinafter "Glen").

Election/Restrictions

With regard to the restriction requirement of claims 62-66, the Examiner specifically stated:

Newly submitted claims 62-66 directed to an invention that is independent or distinct from the invention originally claimed ...

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Office Action, p. 2. Although the Applicants do not agree with the Examiner, in order to expedite prosecution, the Applicants have withdrawn claims 62 – 66 without prejudice to file in a continuing application.

Claim Rejection under 35 U.S.C. § 102(e)

With regard to the rejection of claim 67 under 35 U.S.C. § 102(e), the Examiner specifically stated that:

As per claim 67, as shown in Figs. 2 and 3, Perlman teaches a system for displaying data, comprising:
a display device coupled to a network, the display device comprising:
a network adapter (46, 48, Fig. 2) configured to receive compressed frame buffer data from at least one source device (58, Fig. 3, col. 7, lines 20-24);
a dedicated decompression unit (60, Fig. 3) for decompressing at least a portion of the frame buffer data;
a dedicated storage unit for storing at least a portion of the decompressed frame buffer data (scan line buffers 62, Figs. 3 and 4, and col. 3, lines 27-34, and col. 7, lines 47-56); and
a display refresh unit for receiving at least a portion of the decompressed frame buffer data (Fig. 4, col. 7, line 57 to col. 8, line 4).

Office Action, p. 3. The Applicants respectfully traverse this rejection.

The Applicants note that during patent examination, the pending claims must be given an interpretation that is reasonable and consistent with the specification. *See In re Prater*, 415 F.2d 1393, 1404-05, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *see also In re Morris*, 127 F.3d 1048, 1054-55, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); *see also* M.P.E.P. §§ 608.01(o) and 2111. The Federal Circuit has held that the “[t]he descriptive part of the specification aids in ascertaining the scope and meaning of the claims inasmuch as the words of the claims must be based on the description. The specification is, thus, the primary basis for construing the claims.” *Phillips v. AWH Corp.*, 75 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 2005) (quoting *Standard Oil Co. v. Am. Cyanamid Co.*, 774 F.2d 448, 452 (Fed. Cir. 1985)). Thus, “cases recognize that the specification may reveal a special definition given to a claim term by the patentee that

differs from the meaning it would otherwise possess. In such cases, the inventor's lexicography governs." *Id.* at 1329.

Interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *See In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); *see also* M.P.E.P. § 2111. As further explained in Section 2111.01 of the M.P.E.P., the words of the claim must be given their plain meaning unless the Applicants have provided a clear definition in the specification. *See In re Zletz*, 893 F.2d 319, 321, 13 U.S.P.Q.2d 1320, 1322 (Fed. Cir. 1989). Again, the plain meaning refers to an interpretation by those of ordinary skill in the art. *See In re Sneed*, 710 F.2d 1544, 218 U.S.P.Q. 385 (Fed. Cir. 1983).

Second, anticipation under 35 U.S.C. § 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under 35 U.S.C. § 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. duPont de Nemours & Co.*, 750 F.2d 1569, 224 U.S.P.Q. 409 (Fed. Cir. 1984). The prior art reference also must show the *identical invention "in as complete detail as contained in the ... claim"* to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Claim 67 is not anticipated by Perlman.

Independent claim 67 recites, *inter alia*, "a dedicated decompression unit." Examiner's rejection incorrectly relies on element 60 of Figure 3 which Perlman

describes as a multi-purpose device, specifically “a mapping, decompression, and compositing module.” See Perlman, col. 7, lines 24-25. The module of Perlman which performs mapping and compositing in addition to decompression does not anticipate a dedicated decompression unit. As Perlman does not teach a dedicated decompression unit, it fails to anticipate claim 67.

Further, claim 67 recites, *inter alia*, “a dedicated storage unit for storing at least a portion of the decompressed frame buffer data.” Examiner’s rejection incorrectly relies on the scan line buffers 62, Figs. 3 and 4. Examiner’s interpretation of the scan line buffers as a “dedicated storage unit” is inconsistent with the teaching of Perlman in col. 7 lines 27 – 30 which state, “mapping the compressed graphical image data is conducted before the step of decompressing the data, thereby eliminating the need for storing decompressed graphical image data in a RAM device prior to the data being mapped to the display screen.” Since Perlman teaches away from the storing of decompressed data, and fails to teach a dedicated storage unit, it fails to anticipate claim 67.

The Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e).

Based on the foregoing remarks, the Applicants assert that Pearlman does not anticipate independent claim 67, or its respective dependent claims 68 - 70. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 102(e), and allow the claims to issue.

Claim Rejection under 35 U.S.C. § 103(a)

The Applicants respectfully traverse the rejection of claims 68-70 under 35 U.S.C. § 103(a) as being unpatentable over Perlman in view of Glen.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To

establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

Perlman and Glen, alone or in any type of combination, fails to disclose all of the elements of claims 68-70.

The Applicants respectfully traverse the rejection of claims 68-70 as being unpatentable over Perlman in view of Glen. Claims 68-70 ultimately depend from claim 67 which is allowable over Perlman for at least the reasons discussed above.

Furthermore, Glen does not remedy the deficiencies of Perlman, either alone or in any hypothetical combinations. Glen does not disclose a dedicated decompression unit or a dedicated storage unit, nor does the Examiner claim that it does. The Examiner merely relies on Glen to disclose that:

the source device comprises as shown in Fig. 3, a network interface (184, 185); a memory unit comprising a frame buffer coupled to the network interface (124); and a compression unit adapted to compress data received from the memory unit coupled to the network interface (col. 10, line 50 to col. 11, line 5).

Office Action, p. 4. Accordingly, claims 68-70 are allowable over Pearlman and Glen, alone or in any hypothetical combination.

The Applicants Respectfully Request Withdrawal of the Rejection under 35 U.S.C. 103(a).

The cited references relied upon by the Examiner, either alone or in any sort of hypothetical combination; fail to disclose all of the elements of claims 68-70.

Accordingly, those claims cannot be rendered obvious by the cited references. The Applicants therefore respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). An indication of the allowability of those claims is earnestly solicited.

Conclusion

The Applicants respectfully assert that all pending claims are in condition for allowance. However, if the Examiner wishes to discuss any issue regarding the present application by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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